

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 04-30579-WRS

Chapter 7

EDWIN RICK WOOD,

Debtor

SOUTHTRUST BANK,

Plaintiff

Adv. Pro. No. 04-3053-WRS

v.

EDWIN RICK WOOD,

Defendant

**MEMORANDUM DECISION**

This Adversary Proceeding is before the Court upon Plaintiff Southtrust Bank's motion for default judgment. (Doc. 8). Southtrust filed a complaint in this Adversary Proceeding on June 21, 2004. (Doc. 1). It appears that service was properly made on June 22, 2004. (Doc. 4). The matter was called for a status conference on September 14, 2004. Wood's bankruptcy lawyer Earl Gillian, Jr., was present in Court that day on other business but advised the Court that he had not been retained to represent Wood in this Adversary Proceeding. No answer has been filed by Wood. In the complaint filed by Southtrust, it is alleged that Wood is indebted to the Bank in the amount of \$13,800 and that this indebtedness is excepted from discharge pursuant to 11 U.S.C. § 523(a)(2). The Court, having considered its record, finds that judgment by default should be entered in favor of Plaintiff Southtrust Bank in that it is determined that the

indebtedness owed is excepted from discharge pursuant to 11 U.S.C. § 523(a)(2). The Court will enter judgment by way of a separate document.

Done this 8<sup>th</sup> day of October, 2004.

/s/ William R. Sawyer  
United States Bankruptcy Judge

c: James L. Day, Attorney for Plaintiff  
Edwin Rick Wood, Defendant